

SEP 26 2006Date: September 26, 2006
Attorney Docket No. 10113871Appl. No. 10/799,195
Examiner: Wright, Ingrid D, Art Unit 2835
In response to the Office Action dated June 27, 2006**REMARKS**

Responsive to the Office Action mailed on June 27, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 28-32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Curbelo et al (U.S. Patent No. 6,615,523, hereinafter "Curbelo"). Claim 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbelo in view of Hubbard (U.S. 20020122291, hereinafter "Hubbard"). Claims 14, 15, 20, 22, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma (U.S. Patent No. 6,191,940, hereinafter "Ma") in view of Burgess (U.S. Patent No. 487,469, hereinafter "Burgess"). Claims 16-19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Burgess and in further view of Hubbard. Claims 21, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Burgess and in further view of Hubbard and Doczy et al (U.S. Patent No. 6,788,527, hereinafter "Doczy").

In this paper, claim 15 is canceled. Claims 14 and 28 are amended to more clearly identify novel and non-obvious features of the claimed invention. Specifically, claim 14 is amended to recite that the hinge body rotates in a direction away from the monitor to change the angle between the stand and the monitor, and claim 28 is amended to recite that the angle between the monitor and the supporting structure changes when the hinge structure rotates. Support for these amendments can be found in FIGs. 4, 7, and 15 and the related description in the specification. Thus, on entry of this amendment, claims 14 and 16-36 remain in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

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Notice of References Cited

Applicant notes that the Notice of References Cited does not list Ma (U.S. Patent No. 6,191,940), which is relied upon in the rejections of claims 14, 15, 20, 23 and 27.

Rejections Under 35 U.S.C. 102(b)

Claims 28-32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Curbelo. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended claim 28 recites that the monitor comprises a display side and a backside opposite thereto, a hinge structure rotatably connected to the backside, and the angle between the monitor and the supporting structure changes when the hinge structure rotates.

Curbelo teaches a reversible A-frame sign. In Curbelo, a front display board 4 and back display board 4 are rotatably connected via hinges 5, 6. It is noted that in Curbelo, only a single relative rotation is disclosed. Namely, each pair of hinges 5, 6 rotates in a parallel plane, such that the combined structure of the frame and front display board 4 rotates relative to that of the back display board 4 in a single plane. To the contrary, in claims 28-36, a hinge structure is

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rotatable relative to the backside of a monitor, and first and second supporting elements of a supporting structure are rotatable relative to the hinge structure.

In particular, with respect to amended claim 28, Curbelo does not teach or suggest a monitor having a display side and a backside opposite thereto. Furthermore, Curbelo does not teach or suggest that hinges 5, 6 are rotatably connected to the backside of a monitor. In addition, Curbelo does not teach or suggest a support structure connected to the hinge structure comprising a first and second supporting element rotatably connected to the hinge structure. Finally, Curbelo does not teach or suggest that the angle between a monitor and the alleged supporting structure (i.e., the legs of the display board) changes when the hinges 5, 6 rotate.

Amended claim 29 recites that the hinge structure is rotatable in a first plane changing the angular orientation of the supporting structure relative to the monitor, and the first supporting element and the second supporting element are rotatable in **a second plane intersecting the first plane**. To the contrary, depending on which hinges and legs are relied upon, both hinges 5,6 and the alleged first and second supporting elements rotate in **the same plane or in parallel planes** in Curbelo. In other words, contrary to the invention recited in claim 29, the alleged hinge structure and the alleged supporting elements in Curbelo do not rotate in intersecting planes.

Amended claim 30 recites that the first supporting element and the second supporting element further comprise a first toothed portion and a second toothed portion, respectively, the first toothed portion engaging the second toothed portion such that the first supporting element rotates with respect to the second supporting element. In the rejections, the Examiner appears to identify hinges 5, 6 of Curbelo as both the hinge structure (page 2 of the office action) and the toothed portions of the support elements of the support structure (page 3 of the office action). **Applicant submits that hinges 5, 6 cannot be both the hinge structure and the first and second toothed portions of the first and second supporting elements of the supporting structure as recited in the claims.** Furthermore, in claim 30, the hinge structure and supporting elements rotate in **two intersecting planes**. To the contrary, the pairs of engaged toothed portions as described by Curbelo cannot rotate in two intersecting planes.

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For at least the reasons described above, it is Applicant's belief that Curbelo fails to teach or suggest all the limitations of claims 28-30. Applicant therefore respectfully requests that the rejection of claim 28-30 be withdrawn and the claim passed to issue. Insofar as claims 31-36 depend from one or more of claims 28-30 either directly or indirectly, and therefore incorporate all of the limitations of one or more of claims 28-30, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claim 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbelo in view of Hubbard. Claims 14, 15, 20, 22, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Burgess. Claims 16-19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Burgess and in further view of Hubbard. Claims 21, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Burgess and in further view of Hubbard and Doczy. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

As noted above, it is Applicant's belief that claims 33 and 36 are allowable at least by virtue of their dependency from claim 28. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Amended claim 14 recites, *inter alia*, that the hinge body rotates in a direction away from the monitor to change the angle between the stand and the monitor.

Ma discloses a foldable and portable planar display device and Burgess discloses an extension-ladder.

To rely on a reference under 35 U.S.C. 103, it must be analogous art. See MPEP 2141.01(a). "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the

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particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Applicant submits that the extension ladder of Burgess was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned. In particular, it has not been shown that a person of ordinary skill, seeking to solve a problem of display devices, would reasonably be expected or motivated to look to ladders.

Thus, it would not have been obvious to one having ordinary skill in the art of display devices at the time the invention was made to utilize the extension-ladder of Burgess in combination with Ma's display device. Namely, one having ordinary skill in the art of display devices would have no motivation to combine Burgess with Ma, in order to provide a hinge body rotating in a direction away from the monitor to change the angle between the stand and the monitor.

It is therefore Applicant's belief that Ma and Burgess are not properly combinable. For at least this reason, a *prima facie* case of obviousness cannot be established in connection with claim 14. Furthermore, as it is Applicant's belief that a *prima facie* case of obviousness is not established for claim 14, the Examiner's arguments in regard to the dependent claims are considered moot and are not addressed here. Allowance of claims 14 and 16-27 is respectfully requested.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



Nelson A. Quintero
Reg. No. 52,143
Customer No. 34,283
Telephone: (310) 401-6180

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